

1  
2 An act relating to protection against domestic  
3 violence; amending s. 28.241, F.S.; limiting  
4 certain fees for injunctions relating to  
5 domestic violence; amending s. 44.102, F.S.;  
6 providing that a case is not referable to  
7 family mediation if the court finds there has  
8 been a history of domestic violence; amending  
9 s. 61.13, F.S., relating to child custody and  
10 support; providing for creation of a rebuttable  
11 presumption of detriment to a child upon  
12 evidence of a parent's conviction of a felony  
13 involving domestic violence; providing for  
14 evidence of domestic violence or child abuse to  
15 be considered by the court as evidence of  
16 detriment to the child; providing for  
17 consideration that a party has knowingly  
18 provided false information to the court  
19 regarding domestic violence or child abuse in  
20 custody proceedings; providing for  
21 consideration of domestic violence and child  
22 abuse in custody proceedings; providing for  
23 consideration of allegations of domestic  
24 violence or child abuse in custody proceedings;  
25 amending s. 741.28, F.S.; redefining "domestic  
26 violence" to include kidnapping and false  
27 imprisonment and other specified criminal  
28 offenses resulting in physical injury or death  
29 of one family or household member by another;  
30 amending s. 741.30, F.S.; providing for court  
31 orders to protect the children of the domestic

1 violence victim's minor children; revising the  
2 period during which injunctive relief remains  
3 effective; providing for motion to modify or  
4 dissolve injunction by either party; providing  
5 for indication of specified information on the  
6 face of a temporary or final judgment for  
7 protection against domestic violence;  
8 prescribing conditions under which persons may  
9 present evidence or recommendations; providing  
10 for information through the clerk of the court;  
11 specifying information to be included in the  
12 petition for injunction for protection from  
13 domestic violence; providing certain procedures  
14 after granting an ex parte injunction;  
15 requiring the court to provide respondents with  
16 a list of batterers' intervention programs;  
17 requiring certification of batterers'  
18 intervention programs; providing for  
19 petitioners to be referred to a certified  
20 domestic violence center; providing for  
21 petitioners to be provided a list of domestic  
22 violence centers which may be contacted;  
23 limiting total charges for issuing or serving  
24 injunctions or restraining orders relating to  
25 domestic violence; amending s. 741.31, F.S.;  
26 defining the offense of willfully violating a  
27 foreign protection order accorded full faith  
28 and credit by specified acts; providing  
29 penalties; creating s. 741.315, F.S.; requiring  
30 that an injunction for protection against  
31 domestic violence issued by a "court of a

1 foreign state," as defined, be accorded full  
2 faith and credit; providing exceptions;  
3 providing for availability of a registration  
4 procedure to protected persons; providing  
5 duties of the Florida Department of Law  
6 Enforcement and sheriffs and other local law  
7 enforcement officers with respect to  
8 registration and enforcement of foreign  
9 protection order; providing certain immunity  
10 from civil and criminal liability to law  
11 enforcement officer and officer's employing  
12 agency; defining the offense of intentionally  
13 providing a law enforcement officer with a copy  
14 of protection order known to be invalid or  
15 denying having been served with protection  
16 order when served; providing penalties;  
17 amending s. 784.046, F.S., relating to action  
18 by victim of repeat violence for protective  
19 injunction; providing certain immunity from  
20 civil and criminal liability to law enforcement  
21 officer and officer's employing agency;  
22 revising period of duration of injunctive  
23 relief; amending s. 784.047, F.S., relating to  
24 penalties for violating protective injunction  
25 against repeat violators; defining offenses of  
26 willfully violating a foreign protection order  
27 accorded full faith and credit by committing  
28 specified acts; providing penalties; amending  
29 s. 901.15, F.S., relating to circumstances when  
30 arrest by officer without warrant is lawful;  
31 providing conforming terminology and

1 cross-references; providing certain immunity  
2 from civil liability to law enforcement  
3 officer; providing effective dates.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Subsection (5) of section 28.241, Florida  
8 Statutes, 1996 Supplement, is amended to read:

9 28.241 Filing charges for trial and appellate  
10 proceedings.--

11 (5) The fees prescribed in this section do not include  
12 the service charges required by law for the clerk as provided  
13 in s. 28.24 or by other sections of the Florida Statutes.  
14 Service charges authorized by this section may not be added to  
15 any civil penalty imposed by chapter 316 or chapter 318. Fees  
16 for injunctions concerning domestic violence shall be limited  
17 as provided in s. 741.30(2)(a).

18 Section 2. Paragraph (b) of subsection (2) of section  
19 44.102, Florida Statutes, 1996 Supplement, is amended to read:

20 44.102 Court-ordered mediation.--

21 (2) A court, under rules adopted by the Supreme Court:

22 (b) In circuits in which a family mediation program  
23 has been established and upon a court finding of a dispute,  
24 shall refer to mediation all or part of custody, visitation,  
25 or other parental responsibility issues as defined in s.  
26 61.13. Upon motion or request of a party,a court shall not  
27 refer any case to mediation if it finds there has been a  
28 ~~significant~~ history of domestic violence ~~abuse~~ that would  
29 compromise the mediation process.

30 Section 3. Paragraph (b) of subsection (2) of section  
31 61.13, Florida Statutes, 1996 Supplement, is amended, present

1 paragraph (k) of subsection (3) of that section is  
2 redesignated as paragraph (m), and new paragraphs (k) and (l)  
3 are added to that subsection, to read:

4           61.13 Custody and support of children; visitation  
5 rights; power of court in making orders.--

6           (2)

7           (b)1. The court shall determine all matters relating  
8 to custody of each minor child of the parties in accordance  
9 with the best interests of the child and in accordance with  
10 the Uniform Child Custody Jurisdiction Act. It is the public  
11 policy of this state to assure that each minor child has  
12 frequent and continuing contact with both parents after the  
13 parents separate or the marriage of the parties is dissolved  
14 and to encourage parents to share the rights and  
15 responsibilities, and joys, of childrearing. After considering  
16 all relevant facts, the father of the child shall be given the  
17 same consideration as the mother in determining the primary  
18 residence of a child irrespective of the age or sex of the  
19 child.

20           2. The court shall order that the parental  
21 responsibility for a minor child be shared by both parents  
22 unless the court finds that shared parental responsibility  
23 would be detrimental to the child. ~~The court shall consider~~  
24 ~~evidence of spousal or child abuse as evidence of detriment to~~  
25 ~~the child. The court shall consider~~ Evidence that a parent has  
26 been convicted of a felony of the third ~~second~~ degree or  
27 higher involving domestic violence, as defined in s. 741.28  
28 and chapter 775, creates ~~as~~ a rebuttable presumption of  
29 detriment to the child. If the presumption is not rebutted,  
30 shared parental responsibility, including visitation,  
31 residence of the child, and decisions made regarding the

1 child, shall not be granted to the convicted parent. However,  
2 the convicted parent shall not be relieved of any obligation  
3 to provide financial support. If the court determines that  
4 shared parental responsibility would be detrimental to the  
5 child, it may order sole parental responsibility and make such  
6 arrangements for visitation as will best protect the child or  
7 abused spouse from further harm. Whether or not there is a  
8 conviction of any offense of domestic violence or child abuse  
9 or the existence of an injunction for protection against  
10 domestic violence, the court shall consider evidence of  
11 domestic violence or child abuse as evidence of detriment to  
12 the child.

13 a. In ordering shared parental responsibility, the  
14 court may consider the expressed desires of the parents and  
15 may grant to one party the ultimate responsibility over  
16 specific aspects of the child's welfare or may divide those  
17 responsibilities between the parties based on the best  
18 interests of the child. Areas of responsibility may include  
19 primary residence, education, medical and dental care, and any  
20 other responsibilities which the court finds unique to a  
21 particular family.

22 b. The court shall order "sole parental  
23 responsibility, with or without visitation rights, to the  
24 other parent when it is in the best interests of" the minor  
25 child.

26 c. The court may award the grandparents visitation  
27 rights of a minor child if it is in the child's best interest.  
28 Grandparents shall have legal standing to seek judicial  
29 enforcement of such an award. Nothing in this section shall  
30 require that grandparents be made parties or given notice of  
31 dissolution pleadings or proceedings, nor shall grandparents

1 have legal standing as "contestants" as defined in s. 61.1306.  
2 No court shall order that a child be kept within the state or  
3 jurisdiction of the court solely for the purpose of permitting  
4 visitation by the grandparents.

5           3. Access to records and information pertaining to a  
6 minor child, including, but not limited to, medical, dental,  
7 and school records, shall not be denied to a parent because  
8 such parent is not the child's primary residential parent.

9           (3) For purposes of shared parental responsibility and  
10 primary residence, the best interests of the child shall  
11 include an evaluation of all factors affecting the welfare and  
12 interests of the child, including, but not limited to:

13           (k) Evidence that any party has knowingly provided  
14 false information to the court regarding a domestic violence  
15 proceeding pursuant to s. 741.30.

16           (l) Evidence of domestic violence or child abuse.

17           Section 4. Subsection (1) of section 741.28, Florida  
18 Statutes, is amended to read:

19           741.28 Domestic violence; definitions.--As used in ss.  
20 741.28-741.31:

21           (1) "Domestic violence" means any assault, aggravated  
22 assault, battery, aggravated battery, sexual assault, sexual  
23 battery, stalking, aggravated stalking, kidnapping, false  
24 imprisonment, or any criminal offense resulting in physical  
25 injury or death of one family or household member by another  
26 who is or was residing in the same single dwelling unit.

27           Section 5. Section 741.30, Florida Statutes, 1996  
28 Supplement, is amended to read:

29           741.30 Domestic violence; injunction; powers and  
30 duties of court and clerk; petition; notice and hearing;

31

1 temporary injunction; issuance of injunction; statewide  
2 verification system; enforcement.--

3 (1) There is created a cause of action for an  
4 injunction for protection against domestic violence.

5 (a) Any person described in paragraph (e), who is the  
6 victim of any act of domestic violence, or has reasonable  
7 cause to believe he or she is in imminent danger of becoming  
8 ~~may become~~ the victim of any act of domestic violence, has  
9 standing in the circuit court to file a sworn petition for an  
10 injunction for protection against domestic violence.

11 (b) This cause of action for an injunction may be  
12 sought whether or not any other cause of action is currently  
13 pending between the parties. However, the pendency of any such  
14 cause of action shall be alleged in the petition.

15 (c) In the event a subsequent cause of action is filed  
16 under chapter 61, any orders entered therein shall take  
17 precedence over any inconsistent provisions of an injunction  
18 issued under this section which addresses matters governed by  
19 chapter 61.

20 (d) A person's right to petition for an injunction  
21 shall not be affected by such person having left a residence  
22 or household to avoid domestic violence.

23 (e) This cause of action for an injunction may be  
24 sought by family or household members. No person shall be  
25 precluded from seeking injunctive relief pursuant to this  
26 chapter solely on the basis that such person is not a spouse.

27 (f) This cause of action for an injunction shall not  
28 require that either party ~~the petitioner~~ be represented by an  
29 attorney.

30 (g) Any person, including an officer of the court, who  
31 offers evidence or recommendations relating to the cause of



1 action must either present the evidence or recommendations in  
2 writing to the court with copies to each party and their  
3 attorney, or must present the evidence under oath at a hearing  
4 at which all parties are present.

5 (h)~~(g)~~ Nothing in this section shall affect the title  
6 to any real estate.

7 (i)~~(h)~~ The court is prohibited from issuing mutual  
8 orders of protection. This does not preclude the court from  
9 issuing separate injunctions for protection against domestic  
10 violence where each party has complied with the provisions of  
11 this section. Compliance with the provisions of this section  
12 cannot be waived.

13 (2)(a) Notwithstanding any other provision of law, the  
14 total charge, including any administration fees, law  
15 enforcement agency charges, and court costs or service  
16 charges, for any court to issue an injunction concerning  
17 domestic violence under chapter 741 or chapter 784 shall not  
18 exceed \$50. The total charge by any law enforcement agency to  
19 serve an injunction or restraining order concerning violence  
20 shall not exceed \$20. The remaining \$30 fee collected for an  
21 injunction under chapter 741 shall only be applied to the  
22 initial \$40 service charge collected by the clerk of the court  
23 as provided in s. 28.241(1).In the event the victim does not  
24 have sufficient funds with which to pay filing fees to the  
25 clerk of the court or service fees to the sheriff or law  
26 enforcement agency and signs an affidavit stating so, the fees  
27 shall be waived by the clerk of the court or the sheriff or  
28 law enforcement agency to the extent necessary to process the  
29 petition and serve the injunction, subject to a subsequent  
30 order of the court relative to the payment of such fees.

31

1 (b) No bond shall be required by the court for the  
2 entry of an injunction.

3 (c)1. The clerk of the court shall assist petitioners  
4 in seeking both injunctions for protection against domestic  
5 violence and enforcement for a violation thereof as specified  
6 in this section.

7 2. All clerks' offices shall provide simplified  
8 petition forms for the injunction, any modifications, and the  
9 enforcement thereof, including instructions for completion.

10 3. The clerk of the court shall advise petitioners of  
11 the availability of affidavits of insolvency or indigence in  
12 lieu of payment for the cost of the filing fee, as provided in  
13 paragraph (a).

14 4. The clerk of the court shall ensure the  
15 petitioner's privacy to the extent practical while completing  
16 the forms for injunctions for protection against domestic  
17 violence.

18 5. The clerk of the court shall provide petitioners  
19 with a minimum of two certified copies of the order of  
20 injunction, one of which is serviceable and will inform the  
21 petitioner of the process for service and enforcement.

22 6. Clerks of court and appropriate staff in each  
23 county shall receive training in the effective assistance of  
24 petitioners as provided or approved by the Florida Association  
25 of Court Clerks.

26 7. The clerk of the court in each county shall make  
27 available informational brochures on domestic violence when  
28 such brochures are provided by local certified domestic  
29 violence centers.

30 8. The clerk of the court in each county shall  
31 distribute a statewide uniform informational brochure to

1 petitioners at the time of filing for an injunction for  
2 protection against domestic or repeat violence when such  
3 brochures become available. The brochure must include  
4 information about the effect of giving the court false  
5 information about domestic violence.

6 (3)(a) The sworn petition shall allege the existence  
7 of such domestic violence and shall include the specific facts  
8 and circumstances upon the basis of which relief is sought.

9 (b) The sworn petition shall be in substantially the  
10 following form:

11  
12 PETITION FOR  
13 INJUNCTION FOR PROTECTION  
14 AGAINST DOMESTIC VIOLENCE  
15

16 Before me, the undersigned authority, personally appeared  
17 Petitioner ...(Name)..., who has been sworn and says that the  
18 following statements are true:

19 (a) Petitioner resides at: ...(address)...

20 (Petitioner may furnish address to the court in a  
21 separate confidential filing if, for safety reasons, the  
22 petitioner requires the location of the current residence to  
23 be confidential.)

24 (b) Respondent resides at: ...(last known address)...

25 (c) Respondent's last known place of employment:  
26 ...(name of business and address)...

27 (d) Physical description of respondent: ....

28 Race....

29 Sex....

30 Date of birth....

31 Height....

1           Weight....

2           Eye color....

3           Hair color....

4           Distinguishing marks or scars....

5           (e) Aliases of respondent: ....

6           (f) Respondent is the spouse or former spouse of the

7 petitioner or is any other person related by blood or marriage

8 to the petitioner or is any other person who is or was

9 residing within a single dwelling unit with the petitioner, as

10 if a family, or is a person with whom the petitioner has a

11 child in common, regardless of whether the petitioner and

12 respondent are or were married or residing together, as if a

13 family.

14           (g) The following describes any other cause of action

15 currently pending between the petitioner and respondent: .....

16 .....

17           The petitioner should also describe any previous or

18 pending attempts by the petitioner to obtain an injunction for

19 protection against domestic violence in this or any other

20 circuit, and the results of that attempt.....

21 .....

22 Case numbers should be included if available.

23           (h) Petitioner has suffered or has reasonable cause to

24 fear imminent domestic violence because respondent has: .....

25           (i) Petitioner alleges the following additional

26 specific facts: (mark appropriate sections)

27           ....Petitioner is the custodian of a minor child or

28 children whose names and ages are as follows: .....

29           ....Petitioner needs the exclusive use and possession

30 of the dwelling that the parties share.

31

1           ....Petitioner is unable to obtain safe alternative  
2 housing because: .....  
3           ....Petitioner genuinely fears that respondent  
4 imminently will abuse, remove, or hide the minor child or  
5 children from petitioner because: .....  
6 .....  
7           (j) Petitioner genuinely fears imminent domestic  
8 violence by respondent.  
9           (k) Petitioner seeks an injunction: (mark appropriate  
10 section or sections)  
11           ....Immediately restraining the respondent from  
12 committing any acts of domestic violence.  
13           ....Restraining the respondent from committing any acts  
14 of domestic violence.  
15           ....Awarding to the petitioner the temporary exclusive  
16 use and possession of the dwelling that the parties share or  
17 excluding the respondent from the residence of the petitioner.  
18           ....Awarding temporary custody of, or temporary  
19 visitation rights with regard to, the minor child or children  
20 of the parties, or prohibiting or limiting visitation to that  
21 which is supervised by a third party.  
22           ....Establishing temporary support for the minor child  
23 or children or the petitioner.  
24           ....Directing the respondent to participate in a  
25 batterers' intervention program or other treatment pursuant to  
26 s. 415.601.  
27           ....Providing any terms the court deems necessary for  
28 the protection of a victim of domestic violence, or any minor  
29 children of the victim, including any injunctions or  
30 directives to law enforcement agencies.  
31



1           2. Awarding to the petitioner the temporary exclusive  
2 use and possession of the dwelling that the parties share or  
3 excluding the respondent from the residence of the petitioner.

4           3. On the same basis as provided in s. 61.13(2), (3),  
5 (4), and (5), granting to the petitioner temporary custody of  
6 a minor child or children.

7           (b) In a hearing ex parte for the purpose of obtaining  
8 such ex parte temporary injunction, no evidence other than  
9 verified pleadings or affidavits shall be used as evidence,  
10 unless the respondent appears at the hearing or has received  
11 reasonable notice of the hearing. A denial of a petition for  
12 an ex parte injunction shall be by written order noting the  
13 legal grounds for denial. When the only ground for denial is  
14 no appearance of an immediate and present danger of domestic  
15 violence, the court shall set a full hearing on the petition  
16 for injunction with notice at the earliest possible time.  
17 Nothing herein affects a petitioner's right to promptly amend  
18 any petition, or otherwise be heard in person on any petition  
19 consistent with the Florida Rules of Civil Procedure.

20           (c) Any such ex parte temporary injunction shall be  
21 effective for a fixed period not to exceed 15 days. A full  
22 hearing, as provided by this section, shall be set for a date  
23 no later than the date when the temporary injunction ceases to  
24 be effective. The court may grant a continuance of the ~~ex~~  
25 ~~parte injunction and the full~~ hearing before or during a  
26 hearing for good cause shown by any party, which shall include  
27 a continuance to obtain service of process. Any injunction  
28 shall be extended if necessary to remain in full force and  
29 effect during any period of continuance.

30  
31

1           (6)(a) Upon notice and hearing, the court may grant  
2 such relief as the court deems proper, including an  
3 injunction:

4           1. Restraining the respondent from committing any acts  
5 of domestic violence.

6           2. Awarding to the petitioner the exclusive use and  
7 possession of the dwelling that the parties share or excluding  
8 the respondent from the residence of the petitioner.

9           3. On the same basis as provided in chapter 61,  
10 awarding temporary custody of, or temporary visitation rights  
11 with regard to, a minor child or children of the parties.

12           4. On the same basis as provided in chapter 61,  
13 establishing temporary support for a minor child or children  
14 or the petitioner.

15           5. Ordering the respondent to participate in  
16 treatment, intervention, or counseling services to be paid for  
17 by the respondent. When the court orders the respondent to  
18 participate in a batterers' intervention program, the court,  
19 or any entity designated by the court, must provide the  
20 respondent with a list of all certified batterers'  
21 intervention programs and all programs which have submitted an  
22 application to the Department of Corrections to become  
23 certified under s. 741.325, from which the respondent must  
24 choose a program in which to participate. If there are no  
25 certified batterers' intervention programs in the circuit, the  
26 court shall provide a list of acceptable programs from which  
27 the respondent must choose a program in which to participate.

28           6. Referring a petitioner to a certified domestic  
29 violence center. The court must provide the petitioner with a  
30 list of certified domestic violence centers in the circuit  
31 which the petitioner may contact.



1           ~~7.6.~~ Ordering such other relief as the court deems  
2 necessary for the protection of a victim of domestic violence,  
3 including injunctions or directives to law enforcement  
4 agencies, as provided in this section.

5           (b) The terms of an injunction restraining the  
6 respondent under subparagraph (a)1. or ordering other relief  
7 for the protection of the victim under subparagraph (a)7.  
8 shall remain in effect until modified or dissolved.~~Any relief~~  
9 ~~granted by the injunction shall be granted for a fixed period~~  
10 ~~not to exceed 1 year, unless upon petition of the victim the~~  
11 ~~court extends the injunction for successive fixed periods not~~  
12 ~~to exceed 1 year. Broad discretion resides with the court to~~  
13 ~~grant an extension after considering the circumstances. Either~~  
14 party may move at any time to modify or dissolve the  
15 injunction.No specific allegations are required. Such relief  
16 may be granted in addition to other civil or criminal  
17 remedies.

18           (c) A temporary or final judgment on injunction for  
19 protection against domestic violence entered pursuant to this  
20 section shall, on its face, indicate that:

21           1. The injunction is valid and enforceable in all  
22 counties of the State of Florida.

23           2. Law enforcement officers may use their arrest  
24 powers pursuant to s. 901.15(6) to enforce the terms of the  
25 injunction.

26           3. The court had jurisdiction over the parties and  
27 matter under the laws of Florida and that reasonable notice  
28 and opportunity to be heard was given to the person against  
29 whom the order is sought sufficient to protect that person's  
30 right to due process.

31

1           4. The date respondent was served with the temporary  
2 or final order, if obtainable.

3           (d) An injunction for protection against domestic  
4 violence entered pursuant to this section, on its face, may  
5 order that the respondent attend a batterers' intervention  
6 program as a condition of the injunction. Unless the court  
7 makes written factual findings in its judgment or order which  
8 are based on substantial evidence, stating why batterers'  
9 intervention programs would be inappropriate, the court shall  
10 order the respondent to attend a batterers' intervention  
11 program if:

12           1. It finds that the respondent willfully violated the  
13 ex parte injunction;

14           2. The respondent, in this state or any other state,  
15 has been convicted of, had adjudication withheld on, or pled  
16 nolo contendere to a crime involving violence or a threat of  
17 violence; or

18           3. The respondent, in this state or any other state,  
19 has had at any time a prior injunction for protection entered  
20 against the respondent after a hearing with notice.

21  
22 It is ~~preferred, but not mandatory,~~that such programs be  
23 certified under s. 741.32.

24           (e) The fact that a separate order of protection is  
25 granted to each opposing party shall not be legally sufficient  
26 to deny any remedy to either party or to prove that the  
27 parties are equally at fault or equally endangered.

28           (7)(a)1. The clerk of the court shall furnish a copy  
29 of the petition, financial affidavit, uniform child custody  
30 jurisdiction act affidavit, if any, notice of hearing, and  
31 temporary injunction, if any, to the sheriff or a law

1 enforcement agency of the county where the respondent resides  
2 or can be found, who shall serve it upon the respondent as  
3 soon thereafter as possible on any day of the week and at any  
4 time of the day or night. The clerk of the court shall be  
5 responsible for furnishing to the sheriff such information on  
6 the respondent's physical description and location as is  
7 required by the department to comply with the verification  
8 procedures set forth in this section. Notwithstanding any  
9 other provision of law to the contrary, the chief judge of  
10 each circuit, in consultation with the appropriate sheriff,  
11 may authorize a law enforcement agency within the jurisdiction  
12 to effect service. A law enforcement agency serving  
13 injunctions pursuant to this section shall use service and  
14 verification procedures consistent with those of the sheriff.

15         2. When an injunction is issued, if the petitioner  
16 requests the assistance of a law enforcement agency, the court  
17 may order that an officer from the appropriate law enforcement  
18 agency accompany the petitioner and assist in placing the  
19 petitioner in possession of the dwelling or residence, or  
20 otherwise assist in the execution or service of the  
21 injunction. A law enforcement officer shall accept a copy of  
22 an injunction for protection against domestic violence,  
23 certified by the clerk of the court, from the petitioner and  
24 immediately serve it upon a respondent who has been located  
25 but not yet served.

26         3. All orders issued, changed, continued, extended, or  
27 vacated subsequent to the original service of documents  
28 enumerated under subparagraph 1., shall be certified by the  
29 clerk of the court and delivered to the parties at the time of  
30 the entry of the order. The parties may acknowledge receipt  
31 of such order in writing on the face of the original order.

1 In the event a party fails or refuses to acknowledge the  
2 receipt of a certified copy of an order, the clerk shall note  
3 on the original order that service was effected. If delivery  
4 at the hearing is not possible, the clerk shall mail certified  
5 copies of the order to the parties at the last known address  
6 of each party. Service by mail is complete upon mailing.  
7 When an order is served pursuant to this subsection, the clerk  
8 shall prepare a written certification to be placed in the  
9 court file specifying the time, date, and method of service  
10 and shall notify the sheriff.

11

12 If the respondent has been served previously with the  
13 temporary injunction and has failed to appear at the initial  
14 hearing on the temporary injunction, any subsequent petition  
15 for injunction seeking an extension of time may be served on  
16 the respondent by the clerk of the court by certified mail in  
17 lieu of personal service by a law enforcement officer.

18 (b) There shall be created a Domestic and Repeat  
19 Violence Injunction Statewide Verification System within the  
20 Department of Law Enforcement. The department shall establish,  
21 implement, and maintain a statewide communication system  
22 capable of electronically transmitting information to and  
23 between criminal justice agencies relating to domestic  
24 violence injunctions and repeat violence injunctions issued by  
25 the courts throughout the state. Such information must  
26 include, but is not limited to, information as to the  
27 existence and status of any injunction for verification  
28 purposes.

29 (c)1. Within 24 hours after the court issues an  
30 injunction for protection against domestic violence or  
31 changes, continues, extends, or vacates an injunction for

1 protection against domestic violence, the clerk of the court  
2 must forward a certified copy of the injunction for service to  
3 the sheriff with jurisdiction over the residence of the  
4 petitioner. The injunction must be served in accordance with  
5 this subsection.

6           2. Within 24 hours after service of process of an  
7 injunction for protection against domestic violence upon a  
8 respondent, the law enforcement officer must forward the  
9 written proof of service of process to the sheriff with  
10 jurisdiction over the residence of the petitioner.

11           3. Within 24 hours after the sheriff receives a  
12 certified copy of the injunction for protection against  
13 domestic violence, the sheriff must make information relating  
14 to the injunction available to other law enforcement agencies  
15 by electronically transmitting such information to the  
16 department.

17           4. Within 24 hours after the sheriff or other law  
18 enforcement officer has made service upon the respondent and  
19 the sheriff has been so notified, the sheriff must make  
20 information relating to the service available to other law  
21 enforcement agencies by electronically transmitting such  
22 information to the department.

23           5. Within 24 hours after an injunction for protection  
24 against domestic violence is vacated, terminated, or otherwise  
25 rendered no longer effective by ruling of the court, the clerk  
26 of the court must notify the sheriff receiving original  
27 notification of the injunction as provided in subparagraph 2.  
28 That agency shall, within 24 hours after receiving such  
29 notification from the clerk of the court, notify the  
30 department of such action of the court.

31

1           (8)(a) The court may enforce a violation of an  
2 injunction for protection against domestic violence through a  
3 civil or criminal contempt proceeding, or the state attorney  
4 may prosecute it as a criminal violation under s. 741.31. The  
5 court may enforce the respondent's compliance with the  
6 injunction through any appropriate civil and criminal  
7 remedies, including, but not limited to, a monetary assessment  
8 or a fine. The clerk of the court shall collect and receive  
9 such assessments or fines. On a monthly basis, the clerk  
10 shall transfer the moneys collected pursuant to this paragraph  
11 to the State Treasury for deposit in the Domestic Violence  
12 Trust Fund established in s. 741.01.

13           (b) If the respondent is arrested by a law enforcement  
14 officer under s. 901.15(6) or for a violation of s. 741.31,  
15 the respondent shall be held in custody until brought before  
16 the court as expeditiously as possible for the purpose of  
17 enforcing the injunction and for admittance to bail in  
18 accordance with chapter 903 and the applicable rules of  
19 criminal procedure, pending a hearing.

20           (9) The petitioner or the respondent may move the  
21 court to modify or dissolve an injunction at any time.

22           Section 6. Subsection (4) of section 741.31, Florida  
23 Statutes, 1996 Supplement, is amended to read:

24           741.31 Violation of an injunction for protection  
25 against domestic violence.--

26           (4) A person who willfully violates an injunction for  
27 protection against domestic violence~~7~~issued pursuant to s.  
28 741.30, or a foreign protection order accorded full faith and  
29 credit pursuant to s. 741.315,by:

30           (a) Refusing to vacate the dwelling that the parties  
31 share;

1 (b) Going to the petitioner's residence, school, place  
2 of employment, or a specified place frequented regularly by  
3 the petitioner and any named family or household member;

4 (c) Committing an act of domestic violence against the  
5 petitioner;

6 (d) Committing any other violation of the injunction  
7 through an intentional unlawful threat, word, or act to do  
8 violence to the petitioner; or

9 (e) Telephoning, contacting, or otherwise  
10 communicating with the petitioner directly or indirectly,  
11 unless the injunction specifically allows indirect contact  
12 through a third party

13

14 is guilty of a misdemeanor of the first degree, punishable as  
15 provided in s. 775.082 or s. 775.083.

16 Section 7. Section 741.315, Florida Statutes, is  
17 created to read:

18 741.315 Recognition of foreign protection orders.--

19 (1) As used in this section, the term "court of a  
20 foreign state" means a court of competent jurisdiction of a  
21 state of the United States, other than Florida; the District  
22 of Columbia; an Indian tribe; or a commonwealth, territory, or  
23 possession of the United States.

24 (2) Pursuant to 18 U.S.C. s. 2265, an injunction for  
25 protection against domestic violence issued by a court of a  
26 foreign state must be accorded full faith and credit by the  
27 courts of this state and enforced by a law enforcement agency  
28 as if it were the order of a Florida court issued under s.  
29 741.30, s. 741.31, s. 784.046, or s. 784.047 and provided that  
30 the court had jurisdiction over the parties and the matter and  
31 that reasonable notice and opportunity to be heard was given

1 to the person against whom the order is sought sufficient to  
2 protect that person's right to due process. Ex parte foreign  
3 injunctions for protection are not eligible for enforcement  
4 under this section unless notice and opportunity to be heard  
5 have been provided within the time required by the foreign  
6 state or tribal law, and in any event within a reasonable time  
7 after the order is issued, sufficient to protect the  
8 respondent's due process rights.

9 (3) Notwithstanding s. 55.505 or any other provision  
10 to the contrary, neither residence in this state nor  
11 registration of foreign injunctions for protection shall be  
12 required for enforcement of this order by this state and  
13 failure to register the foreign order shall not be an  
14 impediment to its enforcement. The following registration  
15 procedure shall be available to protected persons who hold  
16 orders from a court of a foreign state.

17 (a) A protected person shall present a certified copy  
18 of a foreign order of protection to any sheriff in this state  
19 and request that the same be registered in the injunction  
20 registry. However, nothing in this section shall operate to  
21 preclude the enforcement of any order of protection determined  
22 by the law enforcement officer to be valid even if the  
23 protected person does not have a certified copy of the foreign  
24 protection order. It is not necessary that the protected  
25 person register the foreign order in the protected person's  
26 county of residence. Venue is proper throughout the state. The  
27 protected person must swear by affidavit, that to the best of  
28 the protected person's knowledge and belief, the attached  
29 certified copy of the foreign order, docket number  
30 ....., issued in the state of ..... on  
31 ..... is currently in effect as written and has not



1 been superseded by any other order and that the respondent has  
2 been given a copy of it.

3 (b) The sheriff shall examine the certified copy of  
4 the foreign order and register the order in the injunction  
5 registry, noting that it is a foreign order of protection. If  
6 not apparent from the face of the certified copy of the  
7 foreign order, the sheriff shall use best efforts to ascertain  
8 whether the order was served on the respondent. The Florida  
9 Department of Law Enforcement shall develop a special notation  
10 for foreign orders of protection. The sheriff shall assign a  
11 case number and give the protected person a receipt showing  
12 registration of the foreign order in this state. There shall  
13 be no fee for registration of a foreign order.

14 (c) The foreign order may also be registered by local  
15 law enforcement agencies upon receipt of the foreign order and  
16 any accompanying affidavits in the same manner described in  
17 paragraphs (a) and (b).

18 (4)(a) Law enforcement officers shall enforce foreign  
19 orders of protection as if they were entered by a court of  
20 this state. Upon presentation of a foreign protection order by  
21 a protected person, a law enforcement officer shall assist in  
22 enforcement of all of its terms, pursuant to federal law,  
23 except matters related to child custody, visitation, and  
24 support. As to those provisions only, enforcement may be  
25 obtained upon domestication of the foreign order pursuant to  
26 ss. 55.501-55.509 unless the foreign order is a "pickup order"  
27 or "order of bodily attachment" requiring the immediate return  
28 of a child.

29 (b) Before enforcing a foreign protection order, a law  
30 enforcement officer should confirm the identity of the parties  
31 present and review the order to determine that, on its face,

1 it has not expired. Presentation of a certified or true copy  
2 of the protection order shall not be required as a condition  
3 of enforcement, provided that a conflicting certified copy is  
4 not presented by the respondent or the individual against whom  
5 enforcement is sought.

6 (c) A law enforcement officer shall use reasonable  
7 efforts to verify service of process.

8 (d) Service may be verified as follows:

9 1. By petitioner: Petitioner may state under oath  
10 that to the best of petitioner's knowledge, respondent was  
11 served with the order of protection because petitioner was  
12 present at time of service; respondent told petitioner he or  
13 she was served; another named person told petitioner  
14 respondent was served; or respondent told petitioner he or she  
15 knows of the content of the order and date of the return  
16 hearing.

17 2. By respondent: Respondent states under oath that  
18 he or she was or was not served with the order.

19 (e) Enforcement and arrest for violation of a foreign  
20 protection order shall be consistent with the enforcement of  
21 orders issued in this state.

22 (f) A law enforcement officer acting in good faith  
23 under this section and the officer's employing agency shall be  
24 immune from all liability, civil or criminal, that might  
25 otherwise be incurred or imposed by reason of the officer's or  
26 agency's actions in carrying out the provisions of this  
27 section.

28 (g) Law enforcement shall not require petitioner to  
29 sign a registration affidavit as a condition of enforcement.

30 (h) A foreign order of protection shall remain in  
31 effect until the date of expiration on its face; or, if there

1 is no expiration date on its face, a foreign order of  
2 protection shall remain in effect until expiration. If the  
3 order of protection states on its face that it is a permanent  
4 order, then there is no date of expiration.

5 (5) Any person who acts under this section and  
6 intentionally provides a law enforcement officer with a copy  
7 of an order of protection known by that person to be false or  
8 invalid, or who denies having been served with an order of  
9 protection when that person has been served with such order,  
10 commits a misdemeanor of the first degree, punishable as  
11 provided in s. 775.082 or s. 775.083.

12 (6) In the event 18 U.S.C. s. 2265 is held to be  
13 unconstitutional, this section shall be null and void.

14 Section 8. Subsection (7) of section 784.046, Florida  
15 Statutes, is amended, and subsection (11) is added to that  
16 section, to read:

17 784.046 Action by victim of repeat violence for  
18 protective injunction; powers and duties of court and clerk of  
19 court; filing and form of petition; notice and hearing;  
20 temporary injunction; issuance; statewide verification system;  
21 enforcement.--

22 (7) Upon notice and hearing, the court may grant such  
23 relief as the court deems proper, including an injunction:

24 (a) Enjoining the respondent from committing any acts  
25 of violence.

26 (b) Ordering such other relief as the court deems  
27 necessary for the protection of the petitioner, including  
28 injunctions or directives to law enforcement agencies, as  
29 provided in this section.

30 (c) The terms of the injunction shall remain in full  
31 force and effect until modified or dissolved. Either party may

1 move at any time to modify or dissolve the injunction. Any  
2 ~~relief granted by the injunction shall be granted for a fixed~~  
3 ~~period not to exceed 1 year, unless upon petition of the~~  
4 ~~victim the court extends the injunction for successive fixed~~  
5 ~~periods not to exceed 1 year.~~Such relief may be granted in  
6 addition to other civil or criminal remedies.

7 (d) A temporary or final judgment on injunction for  
8 protection against repeat violence entered pursuant to this  
9 section shall, on its face, indicate that:

10 1. The injunction is valid and enforceable in all  
11 counties of the State of Florida.

12 2. Law enforcement officers may use their arrest  
13 powers pursuant to s. 901.15(6) to enforce the terms of the  
14 injunction.

15 3. The court had jurisdiction over the parties and  
16 matter under the laws of Florida and that reasonable notice  
17 and opportunity to be heard was given to the person against  
18 whom the order is sought sufficient to protect that person's  
19 right to due process.

20 4. The date that the respondent was served with the  
21 temporary or final order, if obtainable.

22 (11) A law enforcement officer acting in good faith  
23 under this section and the officer's employing agency shall be  
24 immune from all liability, civil or criminal, that might  
25 otherwise be incurred or imposed by reason of the officer's or  
26 agency's actions in carrying out the provisions of this  
27 section.

28 Section 9. Section 784.047, Florida Statutes, is  
29 amended to read:

30 784.047 Penalties for violating protective injunction  
31 against repeat violators.--A person who willfully violates an

1 injunction for protection against repeat violence, issued  
2 pursuant to s. 784.046, or a foreign protection order accorded  
3 full faith and credit pursuant to s. 741.315 by:

4 (1) Refusing to vacate the dwelling that the parties  
5 share;

6 (2) Going to the petitioner's residence, school, place  
7 of employment, or a specified place frequented regularly by  
8 the petitioner and any named family or household member;

9 (3) Committing an act of repeat violence against the  
10 petitioner;

11 (4) Committing any other violation of the injunction  
12 through an intentional unlawful threat, word, or act to do  
13 violence to the petitioner; or

14 (5) Telephoning, contacting, or otherwise  
15 communicating with the petitioner directly or indirectly,  
16 unless the injunction specifically allows indirect contact  
17 through a third party;

18  
19 ~~commits is guilty of~~ a misdemeanor of the first degree,  
20 punishable as provided in s. 775.082 or s. 775.083.

21 Section 10. Subsections (6), (7), and (8) of section  
22 901.15, Florida Statutes, 1996 Supplement, are amended to  
23 read:

24 901.15 When arrest by officer without warrant is  
25 lawful.--A law enforcement officer may arrest a person without  
26 a warrant when:

27 (6) There is probable cause to believe that the person  
28 has committed a criminal act according to s. 741.31 or s.  
29 784.047 which violates an injunction for protection entered  
30 pursuant to s. 741.30 or s. 784.046, or a foreign protection  
31

1 order accorded full faith and credit pursuant to s. 741.315,  
2 over the objection of the petitioner, if necessary.

3 (7) There is probable cause to believe that the person  
4 has committed:

5 (a) An act of domestic violence, as defined in s.  
6 741.28;

7 (b) Child abuse, as defined in s. 827.04(2) and (3);  
8 or

9 (c) Any battery upon another person, as defined in s.  
10 784.03.

11

12 With respect to an arrest for an act of domestic violence, the  
13 decision to arrest shall not require consent of the victim or  
14 consideration of the relationship of the parties. A law  
15 enforcement officer who acts in good faith and exercises due  
16 care in making an arrest under this subsection, under s.  
17 741.31(4) or s. 784.047, or pursuant to a foreign order of  
18 protection accorded full faith and credit pursuant to s.  
19 741.315, is immune from civil liability that otherwise might  
20 result by reason of his or her action.

21 (8) He has probable cause to believe that the person  
22 has knowingly committed an act of repeat violence in violation  
23 of an injunction for protection from repeat violence entered  
24 pursuant to s. 784.046 or a foreign protection order accorded  
25 full faith and credit pursuant to s. 741.315.

26 Section 11. Except for this section, section 1, and  
27 the amendment of section 741.30(2)(a), Florida Statutes, 1996  
28 Supplement, which shall take effect upon this act becoming a  
29 law, this act shall take effect October 1, 1997.

30

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